

SEALED

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 Executive VIP Services International

<input checked="" type="checkbox"/> FILED ENTERED	<input type="checkbox"/> RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
MAY 29 2014	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

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 10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 EXECUTIVE VIP SERVICES
 INTERNATIONAL, INC., a Nevada
 13 corporation d/b/a VIP SPORTS LAS
 VEGAS,

14 Plaintiffs,

15 v.

16 DOMAINS BY PROXY, LLC, an Arizona
 17 limited liability company; and JOHN DOES
 1-10,

18 Defendants.

Case No.: 2:14-cv-00823

PLAINTIFF'S MOTION TO UNSEAL

19
 20 Plaintiff Executive VIP Services International, Inc., d/b/a VIP Sports Las Vegas (herein
 21 "VIP Sports") hereby moves the Court to unseal this case and all documents and pleadings filed
 22 under seal in this case. This Motion to Unseal ("Motion") is based on LR 10-5(b).

23 As set forth in the Motion to Seal (Doc. # 2ⁱ) and the Ex-Parte Application for
 24 Temporary Restraining Order (Doc. # 4), this case and all the filings in it were made under seal
 25 in order to secure the "Infringing Domain Name" <vipssportsvegas.com> from being transferred
 26 outside of the jurisdiction of this Court pending the Court's ruling on Plaintiff's Motion and, if
 27 granted, the locking of the domain name from further transfer. (See Motion to Seal). On May
 28 23, 2014, the Court granted Plaintiff's Application for a Temporary Restraining Order directing

1 the registrar, GoDaddy to lock and transfer the Infringing Domain Name, thereby securing the
 2 Infringing Domain Name and preventing its transfer outside of the jurisdiction of this Court.
 3 (See Temporary Restraining Order, (Doc. # 6)).


4 As set forth in the Declaration of Plaintiff's counsel, F. Christopher Austin, attached
 5 hereto as Exhibit 1, confirmed by the correspondence from counsel for the registrar, GoDaddy,
 6 attached hereto as Exhibit 2, upon receipt of the Court's Order (Doc. # 6)), GoDaddy locked the
 7 Infringing Domain Name and commenced the process of transferring the same to Plaintiff as
 8 directed by the Court. Understanding that the locking of the Infringing Domain Name prevents
 9 it from being further transferred outside of the jurisdiction of this Court, the reasons for
 10 requesting and obtaining the sealing of the filings in this matter have now all been fulfilled, such
 11 that these filing no longer need to remain under seal.

12 Accordingly, Plaintiff hereby respectfully requests the Court unseal this case and all
 13 filings made in it under seal, including without limitation, the Complaint (Doc. # 1) together
 14 with its exhibits and the Civil Cover Sheet, the Motion to File Under Seal (Doc. # 2), the Ex-
 15 Parte Application for Temporary Restraining Order (Doc. # 4) together with its exhibits, the
 16 Motion for Preliminary Injunction (Doc. # 5) together with its exhibits, the Temporary
 17 Restraining Order (Doc. # 6), and the Certificate of Cash Deposit (Doc. # 8).

18 DATED this 28th day of May, 2014.

19 Respectfully Submitted,

20 WEIDE & MILLER, LTD.

21 
 22 /s/ F. Christopher Austin
 23 F. Christopher Austin
 24 Ryan Gile
 25 7251 W. Lake Mead Blvd., Suite 530
 26 Las Vegas, NV 89128

27 Attorneys for Plaintiff
 28 Executive VIP Services International

¹ Note, these Docket entry numbers are assumed approximations, as counsel is not privy to the actual numbers assigned to filings made under seal.

EXHIBIT 1

EXHIBIT 1

1 F. Christopher Austin
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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

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INTERNATIONAL, INC., a Nevada
13 corporation d/b/a VIP SPORTS LAS
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17 limited liability company; and JOHN DOES
1-10,

18 Defendants.
19

Case No.: 2:14-cv-00823

**DECLARATION PLAINTIFF'S
COUNSEL F. CHRISTOPHER AUSTIN
IN SUPPORT OF MOTION TO UNSEAL**

20 I, F. Christopher Austin hereby declare under penalty of perjury under the laws of the
21 United States of America that the following is true and correct to the best of my knowledge and
22 belief:

23 1. I am an attorney duly licensed to practice in the state and federal courts in Nevada
24 and a member of the firm of Weide & Miller, counsel for Plaintiff Executive VIP Services
25 International, Inc. d/b/a VIP Sports Las Vegas in the above captioned matter.

26 2. On May 27, 2014, my office received confirmation that the Court had
27 granted Plaintiff's request for a Temporary Restraining Order to secure and lock the domain
28 name of Defendants <vipssportsvegas.com> (the "Infringing Domain Name").

1 3. This request was made under seal and ex-parte in order to prevent
2 Defendants from transferring the Infringing Domain Name during the pendency of this
3 Court's review and ruling on the requested Motion for a Temporary Restraining Order.

4 4. On the same day, May 27, 2014, I emailed the registrar of the Infringing
5 Domain Name, GoDaddy, the Court's Order and asked the registrar to comply with it and
6 specifically to lock and transfer the Infringing Domain Name to Plaintiff.

7 5. On May 28, 2014, I received an email from GoDaddy in response stating that
8 GoDaddy had locked the Infringing Domain Name and would transfer it to Plaintiff.
9 Attached to the Motion to Unseal as Exhibit 2 is a true and correct copy of the email
10 correspondence I received from GoDaddy.

11 6. On May 28, 2014, in response to the email from GoDaddy, I provided
12 GoDaddy with the account information necessary to comply with the Court's Order and
13 transfer the Infringing Domain Name to Plaintiff.

14 DATED this 28th day of May, 2014.


15 
16 /s/ F. Christopher Austin
F. Christopher Austin

EXHIBIT 2

EXHIBIT 2

Chris F. Austin

From: disputes <disputes@godaddy.com>
Sent: Wednesday, May 28, 2014 9:44 AM
To: Chris F. Austin
Subject: RE: Temporary Restraining Order RE: GoDaddy registration of <vipsportsvegas.com>

Follow Up Flag: Follow up
Flag Status: Flagged

Dear F. Christopher Austin,

Thank you for your email. We have placed the domain name on registrar lock. Please provide us with your client's GoDaddy account number so we may move the domain name to your control.

Kind regards,

Alex Hernandez
Disputes Administrator
GoDaddy
1042186

From: Chris F. Austin [<mailto:caustin@weidemiller.com>]
Sent: Tuesday, May 27, 2014 2:56 PM
To: legal; compliancemgr
Subject: Temporary Restraining Order RE: GoDaddy registration of <vipsportsvegas.com>
Importance: High

GoDaddy Compliance Manager and Legal Office:

I represent VIP Sports Las Vegas. Their trademarks are being infringed by the registration with GoDaddy and Domains By Proxy of the domain name <vipsportsvegas.com> (the "infringing domain").

As set forth in the attached Temporary Restraining Order, Judge James C. Mahan, United States District Judge, for the United States District Court for the District of Nevada is ordering GoDaddy, as the registrar of the infringing domain to:

1. Immediately lock the infringing domain,
2. Transfer the infringing domain to VIP Sports Las Vegas (<vipsportslasvegas.com>, also a GoDaddy customer),
3. Remove all existing Domain Name Server (DNS) entries and corresponding addresses with regard to the infringing domain and enter the registrar's (GoDaddy's) default DNS to prevent further harm or transfer.

This Order was entered ex parte and under seal for the express purpose of preventing the infringing domain from being transferred to another registrar. Neither GoDaddy nor Domains By Proxy are permitted to inform the unknown and undisclosed owner of the domain before complying with the Order.

GoDaddy's affiliate, Domains By Proxy has been named as a defendant in this case; however, it is our intention to dismiss Domains By Proxy once Domains By Proxy identifies the unknown owner of the infringing domain and they are added as defendants to this lawsuit.

So I do not miss your call, please call my cell phone number (702-610-9094) today as soon as possible to confirm compliance with this Federal Court Order.

Chris

F. Christopher Austin
Weide & Miller, Ltd.

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702.610.9094 Mobile
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This communication is for its intended recipient only, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any unauthorized use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (702-382-4804) or e-mail reply, delete it from your system, and destroy any hard copy you may have printed. Thank you. Pursuant to IRS Circular 230, any tax information or written tax advice contained herein (including any attachments) is not intended to be and can neither be used by any person for the purpose of avoiding tax penalties nor used to promote, recommend or market any tax-related matter addressed herein.

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1-10,
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19 Defendants.

Case No.: 2:14-cv-00823

ORDER TO UNSEAL

20 UPON CONSIDERATION OF Plaintiff Executive VIP Services International, Inc.,
21 d/b/a VIP Sports Las Vegas's (herein "VIP Sports") Motion to Unseal together with its
22 Memorandum of Points and Authorities, the exhibits thereto, and the record in this case, and for
23 other good cause shown:

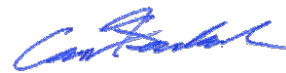
24 THE COURT FINDS THAT:

- 25 1. The basis for sealing the filings in this action have been met;
26 2. That the domain name <vipssportsvegas.com>, preliminarily found to infringe the
27 trademark rights of Plaintiff as set forth in the Court's Temporary Restraining Order (Doc. # 6),
28 has been secured and locked by the registrar of the same;

1 3. That such domain name cannot now be transferred without the leave of the Court
2 outside of the jurisdiction of the Court; and

3 4. That there is no prejudice to any party to summarily and without further notice
4 unseal the filings in this matter, as the only purpose for sealing the same has been fully
5 achieved.

6 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff Motion to
7 Unseal is hereby GRANTED and the Clerk of the Court is hereby directed to unseal all filings in
8 this case presently filed under seal.




UNITED STATES ~~DISTRICT~~ JUDGE
Magistrate

Dated: June 2, 2014

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15 Respectfully Submitted,

16 WEIDE & MILLER, LTD.

17 
18 /s/ F. Christopher Austin
19 F. Christopher Austin
20 Ryan Gile
21 7251 W. Lake Mead Blvd., Suite 530
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28